IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1065 OF 2003

Srinivas Vasant Kulkarni ... Petitioner

versus

State of Maharashtra ... Respondent

...

Mr. Subhash Jha, for Law Global, for the Petitioner.

Mr. B.H. Mehta, A.P.P., for the State.

...

CORAM : A.M.KHANWILKAR,J.

4th October 2004

P.C.:

. This petition takes exception to the order passed by the Metropolitan Magistrate dated 7thJune 2003 rejecting the application preferred by the Applicant, accused No. 2, for discharge. The Court below has noted in para 14 that there is evidence to show that the principal accused Ajit Chavhate had taken the witnesses to the Applicant, who is accused No. 2, and the Applicant in turn had categorically assured those

witnesses that their work will be completed; otherwise their money will be returned. As this evidence is available on record, the Court below has declined to discharge the accused, Applicant. The finding so reached by the Court below is supported by the statements of the concerned witnesses on record produced by the Applicant himself at Exhibit F collectively. To get over this position, Mr. Jha for the Applicant, contends that there is no material on record to show that the amount was made over directly to the Applicant, nor it is the prosecution case that the Applicant had received such amount. It is not possible to entertain this submission; inasmuch as the Applicant is charged for offences under section 420, 114, 120B and 34 of the Indian Penal Code. The evidence does indicate that the Applicant had assured the witnesses that their work will be completed; or otherwise, the amount given to them. For the time being, this evidence is enough for framing charge. The other aspects will have to be gone into at the time of trial after entire evidence is available. Hence dismissed.

. At this stage, Mr. Jha prays that at

least the trial be expedited. As the applicant is already placed under suspension since 22nd June 2002 and the case is pending since the year 2002, the trial is directed to be expedited and the trial Court to conclude the trial as expeditiously as possible preferably by the end of June 2005. Needless to observe that the trial Court shall decide the case on its own merits in acordance with law uninfluenced by any observations made in the impugned order; or, for that matter, the present order.

(A.M.KHANWILKAR,J.)